IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9418 of 2005

Between:

K. Mallaiah, S/o. Ramaiah,
R/o. Alledurg (V), (P), &(M), Medak District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Medak Region, Medak District.
2 The Divisional Manager, APSRTC, Medak Division, Medak District.
3 The Depot Manager, APSRTC, Narayankhed Bus Depot, Medak District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the proceeding No.P2/1/(49)/93-NKD, dt. 29.7.1995 as illegal, arbitrary and unjust and consequently set aside the Proceedings No. P2/1(49)-NKD, dt. 29.7.1995 issued by the 3rd respondent.

Counsel for the Petitioner:MR.G.RAVI MOHAN

Counsel for the Respondent Nos.1 to 3: MR.V.T.M.PRASAD

The Court at the admission stage made the following O R D E R:

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

The petitioner questions the order dated 29.07.1995 imposing punishment of postponement of annual increments for a period of two years, which shall have the effect of postponing the future increments.

The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

This Court in **S.K.Mastan v. Managing Director, APSRTC**, held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of annual increments for a period of two years without cumulative effect.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increments for a period of two years, which shall not have the effect of postponing the future increments. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. However, he is entitled for increments on

notional calculation. No costs.

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(K.C.BHANU,J)

Dt:26th April, 2005

Kvr

To

1 The Regional Manager, APSRTC, Medak Region, Medak District.
2 The Divisional Manager, APSRTC, Medak Division, Medak District.
3 The Depot Manager, APSRTC, Narayankhed Bus Depot, Medak District.

4 2 CD copies

5 1 CC to MR.RAVI MOHAN

*Form-NIC-OGS/WP{**JGK**}*